

PLANNING AND ZONING COMMISSION
STAFF REPORT

September 7 of 2006



PV 06-22: Herbert and Dorothy Carter

CASE DESCRIPTION: request to allow off-site parking across a minor arterial

LOCATION: 800 North Sims

LEGAL DESCRIPTION: Lots 4-5 (pts of), Block 166, Bryan Original Townsite, Bryan, Brazos County, Texas

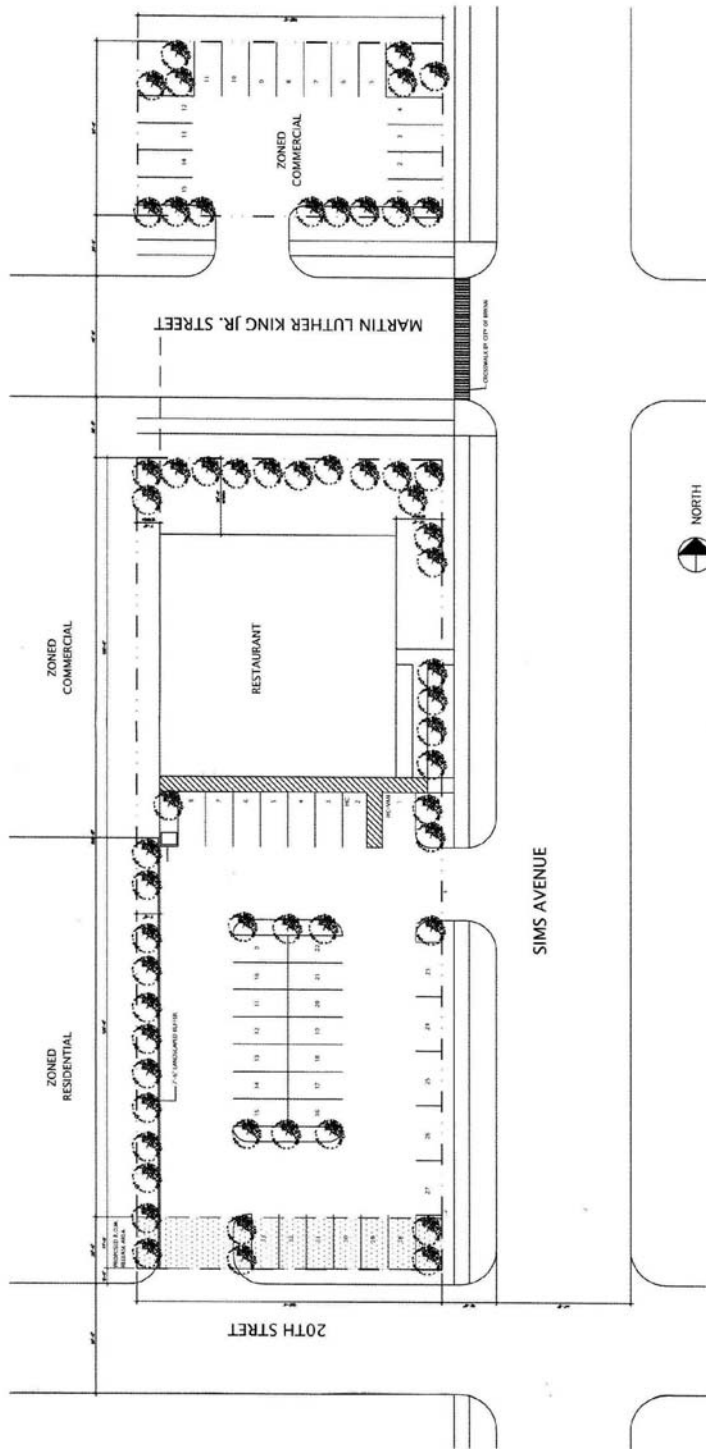
EXISTING LAND USE: vacant acreage

APPLICANT(S): Herbert and Dorothy Carter

STAFF CONTACT: John Dean, Transportation Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the variance, as requested.





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SITE PLAN
 C. ENTERPRISES
 BRYAN, TEXAS

RLA
 AUG 16 2006
 Development & Engineering Services

BACKGROUND:

The applicant requests a variance to the offsite parking requirements of the Land and Site Development Ordinance. The applicant wishes to develop a restaurant on his property at the corner of Sims and Martin Luther King Blvd. In order to provide adequate parking for this site, the applicant has proposed to provide off-site parking across MLK (see drawing). The ordinance currently prohibits off-site parking in which patrons must cross an arterial street; MLK is classified as a minor arterial. The applicant is requesting a variance to this provision of the ordinance.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;

The lots that the applicant owns on Sims are not of adequate size to allow the required amount of on-site parking as required by ordinance.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicants;

The applicant has made exhaustive efforts to avoid requesting the variance; without it, he will be unable to provide adequate parking for the proposed development.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

Based upon the relatively low amount of traffic on MLK (5283 vpd), along with the provision of a crosswalk, staff feels that this variance will not be detrimental to the public health, safety or welfare, nor will it be injurious to other properties in the area. In fact, staff believes that by providing the parking that the applicant has proposed, it will prevent the undesirable situation in which vehicles park on the roadways, which greatly increases the opportunities for collisions.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this ordinance.

Staff believes that granting this variance will have little to no impact on development of this or other properties in the area.

RECOMMENDATION:

Staff recommends **approving** the variance, as requested.